

Arizona Supreme Court
Criminal Post Conviction

CR-16-0245-PC

STATE OF ARIZONA v MIKE PETER GALLARDO

Appellate Case Information

Case Filed: 30-Jun-2016
Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Plaintiff

(Litigant Group) STATE OF ARIZONA

- State of Arizona, Respondent

Attorneys for: Plaintiff

Mark Brnovich, Esq. (AZ Bar No. 14134)
John R Lopez, IV, Esq. (AZ Bar No. 19182)
Lacey Stover Gard, Esq. (AZ Bar No. 22714)
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Side 2. MIKE PETER GALLARDO, Defendant

(Litigant Group) MIKE PETER GALLARDO

- Mike Peter Gallardo, Petitioner

Attorneys for: Defendant

Garrett W Simpson, Esq. (AZ Bar No. 5172)
Terry Lovett Bublik, Esq. (AZ Bar No. 11412)

Side 3. RUDY PADILLA and SANDY PADILLA, Crime Victim

(Litigant Group) RUDY PADILLA and SANDY PADILLA

- Rudy Padilla
- Sandy Padilla

Attorneys for: Crime Victims

Colleen Clase, Esq. (AZ Bar No. 29360)
Jessica A Gattuso, Esq. (AZ Bar No. 25492)
Eric John Aiken, Esq. (AZ Bar No. 32418)

CASE STATUS

Jun 30, 2016....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2006-175408-001			Sally Schneider Duncan, Judge on PC	JURY	

27 PROCEEDING ENTRIES

1.	30-Jun-2016	FILED: Petition for Review; Certificate of Service; Certificate of Compliance (Defendant Gallardo)			
2.	30-Jun-2016	FILED: Motion to Exceed Page Limits on Rule 32.9(c) Petition for Review (84 Page Petition Filed); Certificate of Service (Defendant Gallardo)			
3.	30-Jun-2016	FILED: Petitioner's Motion to SEAL Appendices to Petition for Review Filed Under 32.9(e); Certificate of Service (Defendant Gallardo)			
4.	30-Jun-2016	FILED: (SEALED) Appendix (Part 1 of 3); Certificate of Service (Defendant Gallardo)			
5.	30-Jun-2016	FILED: (SEALED) (Appendix Part 2 of 3); Certificate of Service (Defendant Gallardo)			
6.	30-Jun-2016	FILED: (SEALED) Appendix L (Part 3 of 3); Certificate of Service (Defendant Gallardo)			
7.	30-Jun-2016	FILED: Petitioner's Motion for an Order to Prepare and Transmit Record; Certificate of Service (Defendant Gallardo)			
8.	21-Jul-2016	Upon considering Petitioner Gallardo's Motion to Exceed Page Limits on Rule 32.9(c) Petition for Review, Motion to Seal Appendices, and Motion for an Order to Prepare and Transmit Record, IT IS ORDERED that the Motion to Exceed Page Limits is granted. IT IS FURTHER ORDERED that the Motion to Seal Appendices is granted. IT IS FURTHER ORDERED that pursuant to Rule 32.9(e), Ariz. R. Crim. P., the Clerk of the Maricopa County Superior Court shall electronically transmit to the Clerk of this Court the record of Rule 32 post-conviction proceedings in State v. Gallardo, case number CR2006-175408-001 with an index of record. The superior court clerk shall not send any exhibit that cannot be provided as an electronic copy. (Hon. Ann A. Scott Timmer)			

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| 9. | 26-Jul-2016 | FILED: Unopposed Motion for Extension of Time to File Response to Petition for Review; Certificate of Service (Plaintiff State) |
| 10. | 26-Jul-2016 | An "Unopposed Motion for Extension of Time to File Response to Petition for Review" (Plaintiff State) having been filed on July 26, 2016,

IT IS ORDERED granting a first extension of time to file the Response to Petition for Review on or before August 22, 2016. (Janet Johnson, Clerk) |
| 11. | 22-Aug-2016 | FILED: Petitioner's Motion to Stay Petition for Review Filed Under Rule 32.9(e), and to Remand; Certificate of Service (Defendant Gallardo) |
| 12. | 22-Aug-2016 | FILED: The State of Arizona's Response to Petition for Review; Certificate of Service; (Appendices Part 1 to The State of Arizona's Response to Petition for Review); (Appendices Part 2 to the State of Arizona's Response to Petition for Review) (Plaintiff State) |
| 13. | 22-Aug-2016 | FILED: Motion To Exceed Page Limit; Certificate of Service (Plaintiff State) |
| 14. | 22-Aug-2016 | FILED: Motion to File Appendices Under Seal; Certificate of Service (Plaintiff State) |
| 15. | 22-Aug-2016 | FILED: Appendix 6; 8; 10-11 in Support of the State's Response to Petition for Review Filed UNDER SEAL; Appendix 12-13; 26 in Support of the State's Response to Petition for Review Filed UNDER SEAL; Appendix 35 Part 1 in Support of the State's Response to Petition for Review Filed UNDER SEAL; Appendix 35 Part 2 in Support of the State's Response to Petition for Review Filed UNDER SEAL; Appendix 35 Part 3 in Support of the State's Response to Petition for Review Filed UNDER SEAL; Appendix 45-51; 53-56 in Support of the State's Response to Petition for Review Filed UNDER SEAL (Plaintiff State) |
| 16. | 23-Aug-2016 | A "Motion to Exceed Page Limit" having been filed with a 90-page Response to Petition for Review, and the Clerk of the Court having been authorized by the Supreme Court to enter orders granting or denying requests for extended pagination,

IT IS ORDERED granting the Plaintiff State's request to exceed the twenty page limitation stated in Rule 32.9(c), Arizona Rules of Criminal Procedure by 70 pages.

IT IS FURTHER ORDERED the State of Arizona's Response to Petition for Review is filed as of August 22, 2016.
Janet Johnson |
| 17. | 23-Aug-2016 | On August 22, 2016, Plaintiff State filed a "Motion to File Appendices Under Seal." After consideration,

IT IS ORDERED granting the motion to seal the appendices to the State of Arizona's Response to Petition for Review. (Hon Clint Bolick) |
| 18. | 24-Aug-2016 | FILED: Petitioner's Motion to Enlarge Time to Reply to State's Response to the Petition for Review; Proof of Service of Petitioner's Motion to Enlarge Time to Reply to State's Response to the Petition for Review (Defendant Gallardo) |
| 19. | 24-Aug-2016 | A "Petitioner's Motion to Enlarge Time to Reply to State's Response to the Petition for Review" having been filed on August 24, 2016,

IT IS ORDERED granting a first extension of time to file the Reply to State's Response to Petition for Review on or before September 22, 2016. (Janet Johnson, Clerk) |
| 20. | 31-Aug-2016 | FILED: Response to Petitioner's Motion to Stay Petition for Review Filed Under 32.9(e), and to Remand; Certificate of Service (Plaintiff State) |
| 21. | 31-Aug-2016 | FILED: Crime Victims' Notice of Appearance and Assertion of Rights; Certificate of Service - Crime Victims' Notice of Appearance and Assertion of Rights (Victims Padilla) |
| 22. | 31-Aug-2016 | FILED: Crime Victims' Notice of Intent to File a Response to Petitioner's Request for Stay; Certificate of Service - Crime Victims' Notice of Intent to File a Response Objection to Petitioner's Request for Stay (Victims Padilla) |
| 23. | 1-Sep-2016 | FILED: Crime Victims' Response to Petitioner's Motion to Stay Petition for Review Filed Under 32.9(e), and to Remand; Certificate of Service - Crime Victims' Response to Petitioner's Motion to Stay Petition for Review Filed Under 32.9(e), and to Remand (Victims Padilla) |
| 24. | 6-Sep-2016 | FILED: Record from MCSC in CR2006-175408-001: Instruments and MEs (electronic)

Contains SEALED Documents |
| 25. | 22-Sep-2016 | FILED: Reply to State's Response to the Petition for Review; Proof of Service (Defendant Gallardo) |

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26. 22-Sep-2016 FILED: Motion to Exceed Page Limits on Rule 32.9(c) Reply to Response to Petition for Review; Proof of Service (Defendant Gallardo)
27. 22-Sep-2016 A "Motion to Exceed Page Limits on Rule 32.9(c) Reply to Response to Petition for Review" having been filed with a 15-page Reply to State's Response to Petition for Review, and the Clerk of the Court having been authorized by the Supreme Court to enter orders granting or denying requests for pagination,
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IT IS ORDERED granting Defendant's request to exceed the 10 page limit stated in Rule 32.9(c)(1), Arizona Rules of Criminal Procedure by 5 pages.
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IT IS FURTHER ORDERED that Defendant's Reply to State's Response to Petition for Review is filed as of September 22, 2016. (Janet Johnson, Clerk)